



RE: Wallace Yard and Spur Lines site

Himmelhoch, Sarah (ENRD) to: Lawrence, Robert, Clifford Villa
Cc: "Ausey Robnett", "Trueblood, Craig", "Wurtzler, Gail", Cyndy Mackey,
Darrell.Early

11/09/2009 08:09 AM

History: This message has been replied to.

We will agree to one final extension to November 23.
After that, if we haven't settled we will need an
answer. Feel free to file an unopposed motion.

-----Original Message-----

From: Lawrence, Robert [
mailto:Robert.Lawrence@dgsllaw.com]
Sent: Thursday, November 05, 2009 7:35 PM
To: Villa.Clifford@epamail.epa.gov
Cc: Ausey Robnett; Trueblood, Craig; Wurtzler, Gail;
Himmelhoch, Sarah (ENRD);
Mackey.Cyndy@epamail.epa.gov;
Darrell.Early@deq.idaho.gov; Lawrence, Robert
Subject: RE: Wallace Yard and Spur Lines site

Agreed, but our answer is still due on November 12.
Doesn't it make sense to extend our deadline for the
answer until November 23 so that UP doesn't have to
go to time and expense of preparing an answer to a
lawsuit we know we are going to settle?

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-----Original Message-----

From: Villa.Clifford@epamail.epa.gov [
mailto:Villa.Clifford@epamail.epa.gov]
Sent: Thursday, November 05, 2009 4:56 PM
To: Lawrence, Robert
Cc: Ausey Robnett; Trueblood, Craig; Wurtzler, Gail;
Lawrence, Robert; Himmelhoch, Sarah (ENRD);
Mackey.Cyndy@epamail.epa.gov;
Darrell.Early@deq.idaho.gov
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I talked with Ed. We are hopeful, but Ed must see
the details of our
technical agreement incorporated into the revised
RAWP, RADs and PMPS.
Our review should not take long, resulting in either
yes or no.

Obviously, we expect your technical folks will do

quality technical work
in order to obtain document approval. However, if
they have any
uncertainty on any point, I would urge them to pick
up the phone and
call Ed directly rather than guessing wrong and
getting the whole
document disapproved.

If the revisions are delivered on Monday, and our
answer is yes, we
should be done with this deal well before Nov. 18.

Cliff Villa
Assistant Regional Counsel
U.S. EPA Region 10

	"Lawrence, Robert" <Robert.Lawrence	
To	@dgslaw.com>	"Himmelhoch,
Sarah (ENRD)"		
	<Sarah.Himmelhoch@usdoj.gov>, 11/05/2009 01:05	Clifford
	Villa/R10/USEPA/US@EPA PM	
cc		
		"Trueblood,
Craig"		
	<craig.trueblood@klgates.com>, Robert"	"Lawrence,
	<Robert.Lawrence@dgslaw.com>, Gail"	"Wurtzler,
	<Gail.Wurtzler@dgslaw.com>, "Ausey Robnett"	
	<ausey.robnett@painehamblen.com>	
Subject		
		RE: Wallace
Yard and Spur Lines		site

Cliff and Sarah,

I spoke with Sara who informed that she expects the RR's will be submitting the revised RAD drawings to EPA on Monday, November 9. As we discussed, my understanding from Gary and Sara is that the technical issues are resolved. Were you able to confirm with Ed that the parties came to agreement yesterday on the outstanding technical issues?

Assuming we do have technical agreement, Sara thought that EPA was using November 18 (date of the status conference) as the date by which EPA would review and approve all of the final appendices to the CD. It seems unlikely in any event that Ed will be able to complete his review by November 12. Under these circumstances, can we revisit an extension of time for UP's answer?

Bob

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From: Himmelhoch, Sarah (ENRD) [
mailto:Sarah.Himmelhoch@usdoj.gov]
Sent: Wednesday, October 28, 2009 11:08 AM
To: Wurtzler, Gail; Villa.Clifford@epamail.epa.gov
Cc: Lawrence, Robert; Trueblood, Craig
Subject: RE: Wallace Yard and Spur Lines site

It would seem logical to defer submission of the litigation plan (Nov. 4) until after submission of the RR's answer (Nov. 12), at the least. We propose the litigation plan be submitted on same day as status conference (Nov. 18). If that is acceptable to the Railroads, feel free to file an unopposed motion for that extension.
From: Wurtzler, Gail [mailto:Gail.Wurtzler@dgsllaw.com]
Sent: Wednesday, October 28, 2009 1:01 PM
To: Villa.Clifford@epamail.epa.gov; Himmelhoch, Sarah (ENRD)

Cc: Lawrence, Robert; Trueblood, Craig
Subject: Wallace Yard and Spur Lines site

Cliff and Sara,

To update my email from last evening, I understand from Gary Honeyman that a meeting with Ed Moreen, Nick Zilka and railroad technical people is now set for November 4 in Coeur d'Alene. Union Pacific is hopeful that the remaining issues can be resolved at that meeting and then that final RAD drawings can be produced and attached to the consent decree soon thereafter. In light of the date of the meeting, let's discuss deferring litigation deadlines as I suggested in my email last evening. We look forward to hearing from you. Thanks.

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